

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Michael J. Rojas

**Examiner:** Creighton H. Smith

**Serial No:** 10/740,030

**Art Unit:** 2614

**Filed:** December 18, 2003

**Docket:** 17188

**For:** SYSTEM AND METHOD FOR  
INSTANT VoIP MESSAGING

**Dated:** February 27, 2009

**Confirmation No. 1731**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION**

Sir:

Applicant respectfully submits a supplemental Information Disclosure Statement herewith. An Information Disclosure Statement was filed on August 19, 2004 in the above-identified application. The Information Disclosure Statement was filed with 6 references. Applicant submitted copies of the references with the Information Disclosure Statement along with PTO Form 1449. On September 18, 2007, Examiner Smith attached an initialized PTO

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this document is being electronically filed in the United States Patent and Trademark Office on the date shown below.

Dated: February 27, 2009

  
Seth Weinfeld

Form 1449 to the First Office Action on the Merits indicating that all of the references were considered. The First Office Action did not include any of the references submitted in the Information Disclosure Statement in any of the rejections of the claims.

Subsequently, Examiner Smith attached the same PTO Form 1449 to the Notice of Allowability, however, the PTO Form 1449 had all of the references crossed off, indicating that the references were not considered. Applicant's representative conducted a series of Examiner interviews with both Examiner Smith and Examiner Fsang (Examiner Smith's Supervisor). The Examiners notified Applicant's representative that the PTO Form 1449 did not include a date for each of the references identified.

Applicant maintains that the Information Disclosure Statement should be considered, since the Examiner did in fact consider the Information Disclosure Statement during the prosecution of the application, and, therefore, the references should be listed on the face of the patent.

However, to expedite the issuance of the patent, Applicant is submitting the supplemental Information Disclosure Statement which includes the best available dates for the references, if known, with a replacement PTO Form 1449.

An archive website indicates that Reference 1 was posted on November 22, 2002. Attached herewith is a copy of a document printed from an archive web site evidencing the post date.

An archive website indicates that Reference 3 was copyrighted in 2003. Attached herewith is a copy of a document printed from an archive website indicating a copyright date.

Reference 4 bears a date of May 15, 2002 on the reference.

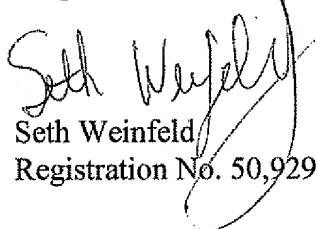
Reference 5 was archived by a website on December 8, 2003. Attached herewith is a copy of a document printed from an archive website indicating the archive date for Reference 5.

Reference 6 bears a copyright date of 2003.

Applicant respectfully requests consideration of the Supplemental Information Disclosure Statement pursuant to the Examiner interview with Examiner Fsang.

The Director is hereby authorized to charge Deposit Account No. 19-1013/SSMP any additional fees if required.

Respectfully submitted,



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SW:reg  
Enclosures